

DETAILED ACTION

This action is supplemental to the outstanding office action dated 9/22/2008. An error in that action repeated the rejection over Mamoru. That rejection is withdrawn for the reasons given in the outstanding office action. The following new grounds of rejection are now pending:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2-5, 8-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger et al., Zeitschrift fuer Naturforschung, Teil A: Astrophysik, Physik und Physikalische Chemie (1981), 36A(4), 395-402 (Jaeger).

Jaeger teaches the oxidation of ethanol with the recited catalysts. Although Jaeger fails to explicitly teach the specific supports or metals of the defendant claims, Kirk Othmer teaches that these supports are well within the purview of those of ordinary skill, and moreover, the use of other platinum group metals is also well within the optimization of those of ordinary skill. As for the products, those of ordinary skill would expect that similar products would be prepared by the catalyst of the reference, depending on the reagents used.

Claims 1 and 6-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhardt et al., Berichte der Bunsen-Gesellschaft (1986), 90(11), 1040-3 (Gerhardt).

Gerhardt teaches the oxidation of methanol with the recited catalysts. Although Jaeger fails to explicitly teach the specific supports or metals of the defendant claims, Kirk Othmer teaches that these supports are well within the purview of those of ordinary skill, and moreover, the use of other platinum group metals is also well within the optimization of those of ordinary skill. As for the products, those of ordinary skill would expect that similar products would be prepared by the catalyst of the reference, depending on the reagents used.

With regard to the Keith et al., reference in the PTO form 892 dated 9/22/2008, this reference is not applied in any rejection under 102 or 103 and was cited in error since that reference fails to teach or suggest the recited reactions with methanol or ethanol.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl J. Puttlitz whose telephone number is (571) 272-0645. The examiner can normally be reached on Monday to Friday from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan, can be reached at telephone number (571) 272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Karl J. Puttlitz/

Primary Examiner, Art Unit 1621